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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,728	02/28/2002	Mitsuru Kaneko	1617.16C	2405

24040 7590 04/26/2004

MASON & ASSOCIATES, PA  
17757 US HWY 19 N.  
SUITE 500  
CLEARWATER, FL 33764

EXAMINER
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LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 04/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/085,728

Applicant(s)

KaneKo

Examiner

LAMB

Group Art Unit

1734

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 1/06/2004

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 9-16 is/are pending in the application.

Of the above claim(s) is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☒ Claim(s) 9-16 is/are rejected.

☐ Claim(s) is/are objected to.

☐ Claim(s) are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1734

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 9-16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2 of U.S. Patent No. 6,419,748 (Kaneko) in view of Stone, Aulick et al, Roberts and Weiser. Kaneko claims an apparatus for producing baked long doctor materials comprising a plurality of pinch rollers; degreasing tank or means for degreasing the long doctor materials; acid immersion tank or means for rinsing the doctor materials in an acid immersion solution; a second rinsing tank or second rinsing means; an electroless ceramic composite nickel plating tank or means for electroless ceramic composite nickel plating of the doctor materials; a plating solution collecting tank or means for collecting plating solution; a third rinsing tank or third rinsing means; a drying tank or means for drying the plated doctor materials. Kaneko claims that the doctor blade materials are held or a material reel spirally and taken up by take-up reels while the blade material is cramped by the plurality of pinch rollers. Kaneko fails to teach plurality of pinch rollers for continuously forwardly straightening out long doctor blade materials plated from a take-up reel and a

Art Unit: 1734

straightening furnace. However, it would have been obvious to modify the Kaneko apparatus by providing an additional treatment steps after the take-up reel to straighten out the plated doctor materials from the take up reel prior to sending the doctor blade strip to a straightening furnace since Stone teaches straightening a metal strip using a straightening means prior to sending to a furnace in order to provide the metal strip or uncoated base doctor material with the desired metallurgical and physical properties and especially given teaching of Aulick et al that metal materials such as aluminum are used in the construction of a doctor blades. Stone et al fails to the straightening means includes a plurality of pinch rollers. However, it would have been obvious given the modifications of the Kaneko apparatus as discussed above to provide a plurality of pinch rollers in the metal straightening means since Roberts and Weiser teaches a plurality of pinch roller are included as part of a strip straightening unit and obvious to do so to enable one pinch the metal strip as one is straightening the metal strip. Thus claims 9-10 are obvious over the above cited references. With respect to claims 13-14, the same rejection applied to claims 9-10 is applied here. Kaneko claims a plurality of material reels and a corresponding plurality of take up reels. With respect to claims 11-12 and 15-16, Kaneko claims a space tank between each of the above cited tanks. Kaneko space tank having a partition plate with a slit portion or a plurality of slit portions through which the blade materials pass.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of pinch rollers for continuously forwarding straightening out long doctor materials plated from

Art Unit: 1734

the take-up reels; and straightening furnace must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claims 9-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

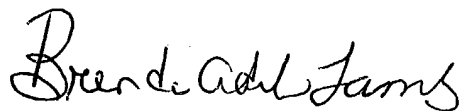
Claims 9 and 13 are confusing since it is unclear how "a plurality of rollers" set forth at line 19-20 of claim 9 and at line 20 of claim 13 relates to "a plurality of pinch rolls" set forth at lines 3-4 of claims 9 and 13. Claims 9 and 13 are confusing since it is unclear how the "long doctor blade base material" set forth at lines 13-19 of claim 9 and at lines 13-21 of claim 13-21 of claim 21 relates to the "long doctor material" at lines 3-12 of claims 9 and 13.

Applicant's arguments with respect to claims 7-8, now cancelled, have been considered but are moot in view of the new ground(s) of the rejection.

Any inquiry concerning this communication should be directed to Brenda A. Lamb at telephone number 571-272-1231. The examiner can normally be reached on Monday thru Tuesday and Thursday thru Friday with alternate Wednesdays off.

Lamb/tgd

April 13, 2004

  
**BRENDA A. LAMB**  
PRIMARY EXAMINER